

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

DANIEL C. BASHAM,)
v.)
Plaintiff,)
v.)
SHERRY BURKE SMITH,)
and)
UNITED STATES OF AMERICA,)
Defendants.)
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Case No. 4:07cv00002
ORDER
By: **Jackson L. Kiser**
Senior United States District Judge

On January 15, 2007, this case was filed before this Court. Pursuant to Federal Rule of Civil Procedure 4(m), the Plaintiff has 120 days to serve the Defendant. The docket of this case shows that the clerk sent a letter warning the Plaintiff of this deadline after 100 days had passed and after 120 days had passed. The Plaintiff has not responded to these letters or otherwise shown good cause as to why service could not be effected. As of today, over 120 days have passed since the filing of this action and there is no record that the Defendant has been served. Accordingly, this Defendant is hereby **DISMISSED** from the suit without prejudice and the case is **DISMISSED** from the docket of this Court.

The clerk is directed to strike this case from the active docket of this Court and to send certified copies of this Order to all counsel of record.

ENTERED this 31st day of May, 2007.

s/Jackson L. Kiser
Senior United States District Judge